

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

RODNEY LEE VAUGHN,)	CASE NO. 1:10 CV 85
)	
Plaintiffs,)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
SOCIAL SECURITY ADMINISTRATION))	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER</u>
Defendant.)	

This action was filed by Rodney Vaughn on January 15, 2010. For the reasons stated below, this case is dismissed.

In Case No. 1:05 CV 2984, Judge Patricia A. Gaughan took notice of the court's records in observing that Mr. Vaughn had filed nine previous frivolous lawsuits. Accordingly, Mr. Vaughn was permanently enjoined from filing any new lawsuits or other documents without seeking and obtaining leave of court in accordance with the following, as set forth in Judge Gaughan's Memorandum of Opinion:

1. He must file a "Motion Pursuant to Court Order Seeking Leave to File" with any document he proposes to file and he must attach a copy of this Order to it (any such motion should be filed in a miscellaneous case).

2. As an exhibit to any motion seeking such leave, he must also attach a declaration which has been prepared pursuant to 28 U.S.C. § 1746 or a sworn affidavit certifying that (1) the document raises a new issue which has never been previously raised by him in this or any other court, (2) the claim or issue is not frivolous, and (3) the document is not filed in bad faith.

3. By means of a second exhibit, he must identify and list: (a) the full caption of each and every suit which has been previously filed by him or on his behalf in any court against each and every defendant in any new suit he wishes to file, and (b) the full caption of each and every suit which he has currently pending.

4. As a third exhibit to the motion, he must provide a copy of each complaint identified and listed in accordance with the foregoing paragraph 3 and a certified record of its disposition.

The court may deny any motion for leave to file if the proposed document is frivolous, vexatious or harassing. If the motion is denied, the document shall not be filed. Further, plaintiff's failure to comply with the terms of this Order shall be sufficient ground for this court to deny any motion for leave to file, and may be considered an act of contempt for which he may be punished accordingly.

Further, to prevent further harassment of the court by plaintiff and the waste of this court's limited resources, the Clerk's Office is hereby ordered as follows:

(1) Any document submitted by Vaughn prior to his obtaining leave to file shall not be filed unless it is specifically identified as a "Motion Pursuant to Court Order Seeking Leave to File," and unless it contains: 1) an affidavit or sworn declaration as required by this order; 2) a copy of this Memorandum of Opinion; and, 3) the exhibits required by this Memorandum of Opinion.

(2) The Clerk's Office shall not accept any filing fees, CIS forms, cover sheets, in forma pauperis applications, summonses, or U.S. Marshal Forms, in connection with any Motion Pursuant to Court Order Seeking Leave to File which Vaughn files, unless and until leave is granted.

Rodney Vaughn v. United States of America, N.D. Ohio Case No. 1:05 CV 2984 (Feb. 9, 2006).

Mr. Vaughn has obviously not followed the above procedures prior to filing this action. Consequently, the within action is hereby dismissed for failure to follow those procedures. The court certifies, pursuant to 28 U.S.C.

§1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

March 17, 2010